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U.S. Department of Justice

United States Attorney
Southern District of New York


The Silvio J. Mollo Building
One Saint Andrew's Plaza
New York, New York 10007

September 2, 2008

BY FAX

SO ORDERED

The Honorable George B. Daniels
United States District Judge
Southern District of New York
500 Pearl Street
New York, New York 10007


HON. GEORGE B. DANIELS

Re: *United States v. Richard Espinosa, et al.*,
07 Cr. 501 (GBD)

SEP 03 2008

Dear Judge Daniels:

I am writing to seek to adjourn a pre-trial conference and to exclude time in the above-referenced case presently scheduled for September 3, 2008 at 10:30 am. The Court previously indicated that it would use that conference to determine which, if any, defendants were left and set a trial date and schedule. At this point, however, of the six remaining defendants, five (Richard Espinosa, Manuel Espinosa, Christian Bernabe, Raymundo Morales and Jose Cosme) have set prospective plea dates in either late September or early-to-mid October, and the remaining defendant (Adrian Bernabe) has agreed to plead guilty pursuant to a Rule 20 plea transfer to the Northern District of Georgia. (The Rule 20 paperwork has been forwarded to Georgia, and we are simply awaiting the finalization of that paperwork and the scheduling of a plea in Georgia). It therefore appears that the pre-trial conference would be unnecessary.

Accordingly, the parties jointly request an adjournment of the September 3, 2008 pre-trial conference until October 22, 2008, at 10:00 am – after the scheduled plea dates – in the hopes that the conference will ultimately be moot.

Additionally, the Government respectfully requests that time be excluded until the next pre-trial conference under the Speedy Trial Act, Title 18, United States Code, Section 3161, *et seq.* so that the parties may attempt to finalize disposition and, should any of the pleas fail to come to fruition, so that the defendants and defense counsel may review discovery and otherwise prepare for trial.

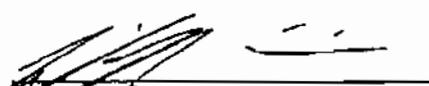
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I have spoken with defense counsel for all six remaining defendants, who have consented to the adjournment and exclusion of time.

Respectfully submitted,

MICHAEL J. GARCIA
United States Attorney

By:


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